

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

_____)	
THERMO FINNIGAN LLC,)	
)	
Plaintiff and)	
Counter-Defendant,)	
)	
v.)	Civil Action No. 04-1505-GMS
)	
APPLERA CORPORATION,)	
)	
Defendant and)	
Counter-Plaintiff.)	
_____)	

STIPULATION AMENDING THE SCHEDULING ORDER

The parties hereby stipulate, subject to the approval of the Court, that the May 9, 2005 Scheduling Order (D.I. 21) shall be modified as indicated below:

The parties shall exchange opening claim construction briefs on **January 20, 2006**, and answering claim construction briefs on **February 10, 2006**.

The one-day extension to file the opening claim construction brief is necessary to provide Defendant's in-house counsel, who has been out of the office the past few days, an adequate opportunity to review the briefing. The answering brief date has been changed to keep the time period between the opening and answering briefs the same as set forth in the Scheduling Order. The requested modifications do not impact the Markman hearing scheduled for March 16, 2006.

The remaining provisions of the May 9, 2005 Scheduling Order (D.I. 21) shall remain in full force and effect.

DATED: January 19, 2006

YOUNG CONAWAY STARGATT
& TAYLOR, LLP



Josy W. Ingersoll (ID No. 1088)
Adam W. Poff (ID No. 3990)
Karen E. Keller (ID No. 4489)
The Brandywine Building
1000 West Street, 17th Floor
P.O. Box 391
Wilmington, DE 19899-0391
(302) 571-6600
jingersoll@ycst.com
apoff@ycst.com
kkeller@ycst.com
Attorneys for Applera Corporation

RICHARDS, LAYTON & FINGER

/s/ Kelly E. Farnan

Frederick L. Cottrell, III (ID No. 2555)
Kelly E. Farnan (ID No. 4395)
One Rodney Square
920 North King Street
Wilmington, Delaware 19801
302-651-7701
cottrell@rlf.com
farnan@rlf.com
Attorneys for Thermo Finnigan LLC

SO ORDERED this ____ day of _____, 2006.

U.S.D.J.